

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Old Supreme Court Chambers – State Capitol Building**  
**Helena, MT**  
**FEBRUARY 11, 2010**

**Commission Members Present:** Shane Colton, Chairman; Dan Vermillion, Vice-Chairman; Willie Doll; Ron Moody; Bob Ream.

**Fish, Wildlife & Parks Staff Present:** Joe Maurier, Director, and FWP Staff.

**Guests:** See February 11, 2010 Commission file folder for names of who signed in.

**Topics of Discussion:**

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of January 14, 2010**
3. **Approval of Commission Expenses through January, 2010**
4. **Commission Reports**
5. **Director's Report**
6. **Commercial Fishing Regulations for Canyon Ferry Lake and Lake Helena – Proposed**
7. **2010/2011 License & Permit Allocation Process for Deer, Elk, & Antelope – Final**
8. **2010/2011 Deer/Elk/Antelope Hunting Seasons and HD Boundaries – Final**
9. **2010/2011 Moose/Sheep/Goat Hunting Seasons and HD Boundaries – Final**
10. **2010/2011 Black Bear Hunting Seasons and HD Boundaries – Final**
11. **2010/2011 Biennial Quota Ranges – Final**
12. **2010/2011 Bison Hunting Seasons and HD Boundaries – Final**
13. **2010/2011 Mountain Lion Hunting Seasons and HD Boundaries – Final**
14. **2010/2011 Upland Game Bird Regulations and Turkey Quotas – Final**
15. **2010/2011 Hunting Season Dates – Final**
16. **2010/2011 Game Damage/Management Season Quota Authorizations – Final**
17. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. **Opening - Pledge of Allegiance.** Chairman Colton called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

**2. Approval of the Commission Meeting Minutes of January 14, 2010.**

*Action: Doll moved and Ream seconded the motion to approve the January 14, 2010 minutes. Vermillion asked for assurance that the scoping process for development of a bison management plan was moving forward as indicated in the January minutes. Director Maurier assured him that it was. Motion carried.*

**3. Approval of the January, 2010 Commission Expense Report.**

*Action: Doll moved and Ream seconded the motion to approve the expense report as presented. Motion carried.*

#### **4. Commission Reports.**

Ream stated that he had spent some time in Washington DC with Senator Tester and encouraged him to support funding the wolf compensation program. He also met with the USFWS Director and their attorney to discuss wolf and grizzly bear litigation.

Moody said he had attended three sportsmen's meetings since the last Commission meeting. The Falconer's Association plans to become more engaged in conservation activities, and the BLM Resource Advisory Council is establishing a subgroup that will be charged with looking at such issues as bison relocation.

Vermillion said he had been conversing with folks who are questioning the ongoing sheep die-offs.

Colton said the inadequate snowpack in his district will create issues with Wyoming because the Bureau of Reclamation is already talking about reducing the water flow on the Bighorn River. There has been great mismanagement in the past.

Ream pointed out that Terry Brown, who was in the audience, had retired in 2009 after thirty-seven years of dedicated service to FWP. Brown was congratulated and applauded for his service to the Department.

**5. Director's Report.** Director Maurier noted that Rich DeSimone, FWP biologist, was retiring after thirty-four years of service to the Department. He advised the Commissioners to notify Reg if they plan to attend AFWA in Michigan in September. He stated that all of the wolf briefs have been submitted, so now it is a matter of waiting for the court to rule. Oral arguments are anticipated. Another issue involves Flathead Lake where FWP shares a co-management plan with the CSKT. CSKT is concerned that not enough lake trout have been taken, which affects the bull trout, so they have developed a plan that potentially includes gill netting. The Department has agreed to meet with them to review the data, and to discuss what they are proposing. It will have to go through a MEPA process. FWP has already received considerable comment on this proposal.

**6. Commercial Fishing Regulations for Canyon Ferry Lake and Lake Helena – Proposed.** By statute, the Commission is authorized to approve commercial fishing regulations regarding gear, limits, seasons, and closures for one commercial fishing operation on each body of water each year. Karen Zackheim, FWP Fisheries Operations Bureau Chief, stated that commercial fishing regulations have been approved on Canyon Ferry Lake and Lake Helena for the past four years for the harvest carp via active seining. The application is for a Class B Permit that requires a fee of \$200 plus a \$1,000 Surety Bond. The approved permit was not utilized the last four years, however this year a new party has submitted an application with plans to implement the permit. The purpose of the commercial fishing is to reduce the carp population. It would also benefit the economy in Townsend. Commercial fishing is addressed in the Upper Missouri Plan.

*Action: Vermillion moved and Ream seconded the motion to approve the proposed regulations for a commercial fishing operation on Canyon Ferry Reservoir and Lake Helena for 2010 pending public comment.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

**7. 2010/2011 License & Permit Allocation Process for Deer, Elk, & Antelope – Final.** Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

#### **STATEWIDE**

~~Move nonresident application deadline for either sex elk permits and antlered buck mule deer permits to March 15. Drawing allotment would be 10% of previous year's number of permits. Maintain existing application process and deadline as in 2009.~~

*Action: Moody moved and Vermillion seconded the motion to maintain the existing application process and deadline as in 2009.*

Moody stated that FWP needs to improve the future deadline system for residents and nonresidents.

Vermillion said any new structure would not be implemented until 2011. When the Commission makes a decision in February, 2011 it will not go into effect until 2012.

Colton stated that there has been a lot of confusion among the public, and because of that, he will support maintaining the existing proposal, however it is with reluctance.

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

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Implement party application up to **five three (3)** persons for residents and nonresidents for deer and elk special permit and license applications. Residents and nonresidents may not mix if application deadline above is adjusted. **Three persons requires adjustment of Administrative Rule of Montana (ARM). Contingency in absence of ARM adjustment to be 2 persons (allowed under current ARM).**

*Action: Vermillion moved and Doll seconded the motion to implement party application up to **five three (3)** persons for residents and nonresidents for deer and elk special permit and license applications. Residents and nonresidents may not mix if application deadline above is adjusted.*

*Amendment to Motion: Colton amended the motion to increase the party application to up to four. Ream seconded the amendment.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

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**Maintain existing bonus point process as in 2009. Apply a "multiplier" to bonus points. Specifically, bonus points proposed to be squared (1 bonus point squared to 1, 2 bonus points squared to 4, 4 bonus point squared to 16, etc.).**

Vermillion said this proposal came from the sportsmen's community in Region 3 where there was widespread support for it, however it has been determined to be a technological challenge to implement such a system. He asked if FWP's perception was that it was supported or not supported.

Kujala stated that the public desires better odds, but the Department found that this proposal would not improve odds.

Vermillion asked what can be done to improve the current bonus point system. He said there may be legislation introduced in an attempt to improve the current bonus point system, so he would like to have something in writing to take to legislators and sportsmen's groups.

Dave Risley, Fish and Wildlife Division Administrator, said that conceptually, the Department needs more public and internal discussion. Before FWP looks at a system to improve odds, it is necessary to look at all areas, because when odds are increased in one area, they are decreased in another.

Colton said this is an issue that consistently comes up. The need may be there to possibly reward some of those hunters who have supported the Department through the years.

Moody said that before engaging in a discussion on how to tip the scales of opportunity, a discussion should be held on whether tipping the scales is the right thing to do. Wherever the advantage is moved to, it is at the expense of another area. Rewarding older people who have applied for many years is at the expense of younger sportsmen.

Vermillion said the concerns will be addressed through public comments. It may not be worth the cost to FWP.

Ream said it is important to be proactive, and do it before the legislative session.

*Action: Colton moved and Moody seconded the motion to maintain the existing bonus point process as in 2009.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

**8. 2010/2011 Deer/Elk/Antelope Hunting Seasons and HD Boundaries – Final.** Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

Statewide

No change to the recommended proposal of changing the general opener from Sunday to Saturday for both deer and elk.

*Action: Doll moved and Vermillion seconded the motion to change the opening day of firearm season to a Saturday opener which is one day earlier than the traditional Sunday. Motion carried.*

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Youth Hunt - Recommended changes are as follows:

Create youth (12 – ~~16~~ 15 years of age) deer hunting season on third Thursday and Friday of October before the general season. Accompanying adult required comparable to other youth days. **Proposed dates outside archery season in 2010 and 2011.**

*Action: Vermillion moved to create youth (12-15 years of age) deer hunting season on third Thursday and Friday of October before the general season. Accompanying adult required comparable to other youth days. Proposed dates outside archery season in 2010 and 2011. Moody seconded with an amendment that adults who accompany youth on these two days are not allowed to carry guns.*

Vermillion did not accept the amendment to his motion. He said he was concerned that the public would feel the Department is endangering youth in grizzly bear areas without “bear repellent devices.”

Colton said it might not be constitutional to ban guns, and we must trust that people will abide by the rules. He does not feel the Commission can direct when people can carry firearms.

*Action on Motion: Motion failed due to refusal of amendment to the motion.*

*Action: Moody moved to drop the youth hunt proposal from general firearm season. No second. Motion failed*

*Action: Vermillion moved to create youth (12-15 years of age) deer hunting season on third Thursday and Friday of October before the general season. Accompanying adult required comparable to other youth days. Proposed dates outside archery season in 2010 and 2011.*

Vermillion asked if this would be revisited again in two years.

Kujala replied that it would be revisited in December of 2011 as part of the season structure, based on 2010 season comments and anecdotes.

Ream asked if the Saturday opener applies to 2010 and 2011, to which Kujala replied yes, that these are all 2010-2011 season regulations.

Ream stated that the youth have to learn that they must fit in with the rest of the regulations.

*Action: Ream moved to amend the motion to sunset the youth hunt in two years after the 2011 season. Vermillion seconded the amendment.*

Chairman Colton asked for public comment.

Bill Boland, Great Falls, said he does not think youth need an advantage. If so, seniors should get advantage, as should folks in wheelchairs, etc.

Steve Kamps, Montana Bowhunters Association, said they encourage the sunset idea. There is a potential for conflicts during archery season.

Moody said his concern about youth hunting safety includes the safety of the people in the field with the youth. The idea is to provide an incentive to hunt. Many things have been done with special seasons and licenses, but results have never been measured to see if young people have been drawn into the sports of hunting and fishing. FWP must make measureable efforts to engage youth.

Doll said he has reservations about the youth season, but feels two years would determine if this works or not.

Ream said he has reservations about holding this youth season. The Department will be sure to receive flack about the youth moving elk around immediately before the upcoming elk season.

Colton stated that the wardens and surveys will provide information as to how it works out. It is important to give it a try.

*Action on Motion: Motion carried.*

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#### Deer - Region 1

Eight recommended changes to the proposed regulations for a more conservative harvest. Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

~~no proposed changes~~

REGION-WIDE outside HD 170 – no antlerless WT (AB WT only) on general license except for youth and PTHFV as described in 2009

HD 100-01 – decrease antlerless MD licenses from 25 to 5

HD 103-01 – decrease antlerless MD licenses from 25 to 5

HD 104-01 – decrease antlerless MD licenses from 25 to 5

HD 121-01 – decrease antlerless MD licenses from 50 to 5

HD 122-01 – decrease antlerless MD licenses from 50 to 5

HD 123-01 – decrease antlerless MD licenses from 25 to 5

HD 170-10 – decrease OTC antlerless WT licenses from 5 to 2 per hunter

*Action: Ream moved and Vermillion seconded the motion to approve the Final Region 1 Deer Regulations as recommended by the Department.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

#### Deer – Region 2

Several recommended changes to the proposed regulations for a more conservative harvest. Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

HD 200-00 – decrease antlerless WT licenses from 200 to 5

HD 200-01 – decrease antlerless WT licenses from 100 to 5

HD 201-00 – decrease antlerless WT licenses from 350 to 5

HD 201-01 – decrease antlerless WT licenses from 50 to 5

HD 202-00 – decrease antlerless WT licenses from 250 to 5

HD 202-01 – decrease antlerless WT licenses from 100 to 5

HD 203-00 – decrease antlerless WT licenses from 100 to 5

HD 210-00 – decrease antlerless MD licenses from 50 to 25

HD 212-10 – decrease antlerless MD licenses from 100 to 50

HD 213-00 – decrease antlerless MD licenses from 50 to 5

HD 214-00 – decrease antlerless MD licenses from 25 to 5

HD 250 -- convert unlimited antlered buck mule deer permits to ~~400~~ 125 limited permits

HDs ~~200/201/202/203~~ 280/281/283/284/285/290/292/293/298 – convert general license ES WT archery and firearm season to AB WT; reduce antlerless licenses 281-00 and 283-00 from 100 each to 50 each

HD 281-01 – decrease antlerless MD licenses from 100 to 25

HD 282 – convert archery and firearm general license ES MD to AB MD

HD 282-00 – ~~decrease 282-00 antlerless deer licenses from 50 to 25~~ eliminate antlerless MD licenses

HD 283-01 – decrease antlerless MD licenses from 100 to 25

HD 284-10 – eliminate antlerless WT license

HD 285-01 – eliminate antlerless WT license

HD 285-02 – decrease antlerless MD licenses from 50 to 25

HD 290-10 – eliminate antlerless WT license

HD 290-20 – convert from ES MD to AB MD and ES WT to AB WT

HD 291 – decrease antlerless MD licenses from 200 to 100

HD 292/298 – combine unlimited antlered buck permits for each district into one permit batch (292-40) valid in both districts

*Action: Ream moved and Vermillion seconded the motion to approve the Final Region 2 Deer Regulations as recommended by the Department.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

### Deer – Region 3

Several recommended changes to the proposed regulations for a more conservative harvest. Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

HD 301-00 – eliminate antlerless MD licenses

HD 302 – convert from AB MD general license to unlimited AB MD unlimited permits 302-40; ~~decrease antlerless MD licenses 302-00 from 75 to 25~~ OR eliminate antlerless MD licenses

HD 309 – increase OTC antlerless WT licenses from 1 to 5 per person

HD 310-00 – eliminate antlerless MD licenses

HD 311-00 – eliminate antlerless MD licenses

HD 318-00 – eliminate antlerless MD licenses

HD 320/331/333 – clarify antlerless MD licenses with LPT suffix XXX-00

HD 321-00 – eliminate antlerless MD licenses

HD 323-00 – eliminate antlerless MD licenses

HD 324-00 – eliminate antlerless MD licenses

HD 328-00 – eliminate antlerless MD licenses

HD 329 -- convert from AB MD general license to unlimited AB MD unlimited permits 329-40; ~~decrease antlerless MD licenses 329-00 from 50 to 25~~ OR eliminate antlerless MD licenses

HD 332-00 – eliminate antlerless MD licenses

HD 334-00 – eliminate antlerless MD licenses

HD 341-00 – eliminate antlerless MD licenses

HD 350-00 – eliminate antlerless MD licenses

HD 360-00 – eliminate antlerless MD licenses

HD 360-10 – implement OTC antlerless WT licenses valid throughout HD for archery and firearm season with up to five per hunter

HD 361-00 – eliminate antlerless MD licenses

HD 362-00 – eliminate antlerless MD licenses

HD 370-00 – eliminate antlerless MD licenses

HD 388 – clarify language of Exclusion Zone in Weapons Restriction Area “Outside Weapons Restriction Area”; clarify in Deer/Elk and Antelope HD 388

HD 390-00 – eliminate antlerless MD licenses

*Action: Vermillion moved and Moody seconded the motion to approve the Final Region 3 Deer Regulations as recommended by the Department*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

Deer – Region 4

No recommended changes to the proposed regulations.

REGION-WIDE -- convert any general license ES MD archery and firearm season to AB MD

LPT 004-10/498-00 – combine unlimited resident and nonresident single region antlerless WT license

HDs 400/401/406 – create 300 antlerless WT licenses 400-01 valid in all three HDs

HDs 404/444 – create 300 antlerless WT licenses 404-01 valid in both HDs

HD 406 – maintain access permit to Marias State Park/Wildlife Management Area; require ALS# for application; summer application period

HDs 416/446/449/452/454 – create 500 antlerless WT licenses 416-01 valid in all 5 HDs

HD 422 – convert general license ES MD to AB MD; create 50 antlerless MD licenses 422-00 valid outside Nat'l Forest Bndy

HD 424 – convert general license ES MD to AB MD; create 25 antlerless MD licenses 424-00 valid outside Nat'l Forest Bndy

HD 425 – convert general license ES MD to AB MD; create 25 antlerless MD licenses 425-00 valid outside Sun River WMA

HD 442 – convert general license ES MD to AB MD; create 25 antlerless MD licenses 442-00 valid outside Nat'l Forest Bndy and Ear Mtn WMA

*Action: Moody moved that any region-wide general licenses would convert to antlered buck mule deer outside of hunting districts 400,401,403,404,406, and 415 for 2010 would mule deer license season and type. Willie seconded. Moody amended his motion to exclude HD415 from the motion. Doll seconded the amendment.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

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*Action: Moody moved and Doll seconded the motion to approve the remainder of the Final Region 4 Deer regulations as recommended by the Department.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

Deer – Region 5 and Region 7

No recommended changes to the proposed regulations.

HDs 511/520/540 -- convert general license ES MD archery and firearm season to AB MD

HD 560 – convert general license ES MD firearm season to AB MD

*Action Colton moved and it was seconded to approve the Final Region 5 and Region 7 Deer regulations as recommended by the Department. Motion carried*

Deer – Region 6

No recommended changes to the proposed regulations.

REGION-WIDE -- combine unlimited resident and nonresident single region antlerless WT license 006-10

HD 630 – convert 630-20 ES WT license to ES WT permit



*Action: Doll moved and Vermillion seconded the motion to approve the Final Region 6 Deer regulations as recommended by the Department. Motion carried.*

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#### Elk – Statewide

No change to the proposed regulation of the Saturday opener one day earlier than traditional Sunday for firearm season (deer also). This was passed in the Deer proposals.

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#### Elk- Statewide

Recommend maintaining bundles as in 2009, and adjust application date to March 15. Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

~~Assemble existing License Permit Types (LPTs) 401-15, 411-15, 420-15, 500-15, 502-15, 580-15, 590-15 and 799-15 for all or portions of the 23 HDs 401, 403, 441, 450, 411, 412, 426, 511, 530, 420, 447, 455, 500, 570, 502, 510, 520, 575, 580, 590, 702, 704, 705 (as described in 2009 regulations) into one bundle/LPT 900-15. This permit group would be valid only during the archery season throughout the entire area described in total by the 23 districts or portions of districts (see 2009 regulations). These permit holders could also archery hunt in other general license districts. Total number of permits would be equal to the sum of the first and second choice resident and nonresident eligible applicants from the 2009 drawing process. This sum is 2950 (rounded from 2947) and would accommodate 95% of the 2009 eligible resident applications and 45% of the 2009 eligible nonresident applications. This number of permits would apply to both the 2010 and 2011 seasons. Applicants may apply first, second or third choice. Antlerless elk would remain available on the general license during the archery season. Maintain bundles as they were described in 2009. ES permit numbers in each bundle equal to sum of first and second choice resident and nonresident eligible applicants (rounded to next 10) from 2009 drawing process as enumerated below. Permit numbers set for both years.~~

~~LPT 401-15 – HDs 401/403/441/450 – 220 permits~~

~~LPT 411-15 – HDs 411/412/426/511/530 – 750 permits~~

~~LPT 420-15 – HDs 420/447/455 – 630 permits~~

~~LPT 500-15 – HDs 500/570 – 150 permits~~

~~LPT 502-15 – HDs 502/510/520/575 – 80 permits~~

~~LPT 580-15 – HD 580 – 110 permits~~

~~LPT 590-15 – HD 590 – 400 permits~~

~~LPT 799-15 – HDs 702/704/705 – 640 permits~~

*Action: Colton moved and Moody seconded the motion to approve the Final Statewide Elk Proposal as recommended by the Department for 2010, but provide 90 percent of first and second application levels from 2010 for 2011 to get back equity as bundling would have provided with the March 15 draw.*

Vermillion stated that this process consistently brings to light the need for more dialogue between landowners and sportsmen. He prefers the 2010-2011 levels remain at Department recommendations.

*Action: Colton amended the motion to exclude HD420 from LPT420-14 and HD441 from LPT 401-15. Ream seconded the amendment.*

Chairman Colton asked for public comment.

Mary Ellen Schnurr, MOGA, asked if withdrawing HD420 and HD441 would mean it would go back to unlimited. Will they have same limited entry permit in 2010 as in 2011?

Kujala clarified that HDs441 and 420 will go back to general areas, the original structure.

Steve Kamps, Montana Bowhunters Association, supports the motion of withdrawing HD420 and HD441. They hope to remain part of the discussions.

*Action: Ream moved and Colton seconded the motion to rescind the motion made by Colton. Motion carried.*



*Action: Doll moved and Colton seconded the motion to table the current motion until A9-B12 and HD425 are under consideration during the meeting. Motion carried.*

*Action: Moody moved and Colton seconded the motion to amend Region 4 LPT 004-80 to drop HD420 from the list.*

LPT 004-80 – adjust antlerless elk license to be valid on private and DNRC lands in all Region 4 HDs except HDs 401, 410, 417, 420 and 455

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

*Action: Moody moved to remove the five either sex permits in HD425, including the Sun River Game Range, and revert to the 2009 regulations. It was seconded.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

*Action: Colton moved and the motion was seconded to approve the elk archery recommendations as proposed but with the exclusion of HD420 from LPT420-14 and HD441 from LPT 401-15, in addition to setting 2011 permit levels at 90 % of 1<sup>st</sup> and 2<sup>nd</sup> choice 2010 applications. Motion carried.*

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#### Elk - Statewide

*Action: Vermillion moved and Colton seconded the motion to replace all antlerless and brow-tined bull/antlerless elk permits (hereafter “antlerless permits”) with antlerless elk licenses (No changes to the proposals approved in December).*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

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#### Elk – Statewide

Waiting period. Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

Implement 4 year waiting period for those limited entry either sex, antlered bull or brow-tined bull elk permits (hereafter “either sex”) with drawing odds 10% or less based upon first choice resident and nonresident applicants of the previous year’s drawing as presented in the elk regulation booklet. This waiting period would not apply to landowner preference. If an applicant receives an either sex elk permit that had a drawing success rate of 10% or less the previous year, that applicant must wait four years before applying for any either sex elk permit with a 10% or less drawing success rate. The list of districts may change annually based upon the previous year’s drawing results. To clarify, an applicant receiving one of these either sex elk permits in 2009 would not be eligible to apply for any other either sex elk permit with a drawing success rate of 10% or less until 2013. Either sex elk permits that fall into this category based upon the 2009 drawing are:

|         |         |         |        |
|---------|---------|---------|--------|
| 282-20— | 339-20  | 500-20— | 632-20 |
| 283-20  | 380-20— | 502-20— | 690-20 |
| 310-20  | 401-20  | 620-20— | 690-21 |
| 313-11  | 410-20— | 621-20  |        |
| 313-12  | 441-20  | 622-20  |        |
| 313-13  | 447-20— | 631-20— |        |

Maintain existing process as in 2009 with no waiting period. If waiting period adopted implementation likely delayed until 2011 for technical development of drawing.

*Action: Doll moved and Moody seconded the motion to maintain the existing process as in 2009 with no waiting period as recommended by the Department.*

Chairman Colton asked for public comment.

Marvin Mace, Helena, said a waiting period is a consistent issue that is widely supported by the public. He asked how long it will have to appear before the Commission. It is not fair for some folks to get tags nearly every year while others never get one. It is a once in a lifetime opportunity. He preferred the proposals that include the waiting period. This should not be a political decision.

Kujala said the original proposal was to apply a 4-year waiting period where the landowner could be excepted via a HB454 access agreement. During the waiting period, the landowner could get a permit for only his property. The motion was that all parties would be subject to a waiting period. It would not have taken effect until 2011.

Barney Benkelman, FWP Chief Information Officer, said all of the rules have to be defined before programmatic changes can be made. FWP does not have staff and resources to do this right away. If it was to become the priority, other projects would have to be set aside. Costs and contracted services would be looked into, and although the exact amount is unknown at this point, it is safe to say it will be a considerable amount. Historical knowledge of the data base is also important.

Moody suggested that if the Commission took action now, perhaps the work order could be assigned, but not expected to be implemented for two years. A four-year waiting period is the right thing to do. A waiting period should go into effect in 2012 and apply to everyone.

Vermillion stated that if the Commission approves a waiting period, they can enter into a HB454 access agreement and can hunt on their land. The HB454 access agreement provides a lot of opportunity for landowners.

Colton said his understanding was that this was a straight exclusion of landowners too. Given it cannot be implemented this season, there is logic in tabling it for now. He does not want to make an uninformed decision. The public may not understand exactly what was meant either. HB454 is not widely known about.

Bob Lane, FWP Legal Counsel, affirmed that there is no reason not to table it, as it can be taken up later. Commission adoptions can also be revisited at a later date.

Moody said public comment indicated that the public was in favor of a 4-year waiting period, but felt landowners should be available for a permit.

*Action: Moody moved and Vermillion seconded the motion to table the 4-year waiting period decision until a future meeting. Motion carried.*

#### Elk – Region 1

No recommended changes to the proposed regulations.

*Action: Ream moved and Vermillion seconded the motion to approve the Region 1 Final Elk Regulations as recommended by the Department. Motion carried.*

#### Elk – Region 2

Several recommended changes to proposed regulations. Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions.

LPT 002-80 – adjust archery only antlerless elk license 002-80 to be valid only in portions of HDs 201 and 203

HD 200-00 – eliminate LPT (contingent upon antlerless permits converted to antlerless licenses)

HD 201 – establish a portion of district (201-02) with ~~100~~ 75 antlerless permits/licenses, and ~~decrease eliminate~~ antlerless permits/licenses valid in the entire district (201-00) ~~from 100 to 5~~ (contingent upon antlerless permits converted to antlerless licenses)

HD 202-00 -- eliminate LPT (contingent upon antlerless permits converted to antlerless licenses)

HD 203 – decrease antlerless permits/licenses 203-00 from 100 to ~~50~~ 35; eliminate antlerless permits 203-01 (contingent upon antlerless permits converted to antlerless licenses)

HDs 204/261/270 – eliminate antlerless general license season and replace with antlerless permits/licenses (~~25~~ 5 in HD 204, ~~25~~ 15 in HD 261, ~~45~~ 5 in HD 270-00 and ~~30~~ 15 in HD 270-01; contingent upon antlerless permits converted to antlerless licenses); combine district portions 261-00 and 261-01 into single permit/license area; adjust antlerless permits/licenses 270-01 to be valid only from 11/15–11/28

HDs 210/212/213/215/216/281/283/285/291/292/293 – replace general license antlerless opportunity in third week with BTB; proposed antlerless permit/license levels are ~~250~~ 150 in HD 210, ~~250~~ 200 in HD 213, ~~350~~ 200 in HD 215-00, ~~250~~ 200 in HD 215-01, ~~150~~ 75 in HD 281, 50 in HD 283-00, ~~100~~ 75 in HD 283-01, 75 in HD 283-02, 5 in HD 283-20, ~~75~~ 50 in HD 285-20, ~~200~~ 100 in HD 285-21, ~~300~~ 200 in HD 291, ~~200~~ 150 in HD 292 and ~~50~~ 25 in HD 293 (contingent upon antlerless permits converted to antlerless licenses)

HD 212 – split HD into two portions with ~~500~~ 350 antlerless permits/licenses in 212-00 and ~~100~~ 50 antlerless permits/licenses in 212-01 (contingent upon antlerless permits converted to antlerless licenses)

HD 214-00 – decrease antlerless permits/licenses from 100 to 50 (contingent upon antlerless permits converted to antlerless licenses)

HD 216 – eliminate split districts 216-00 and 216-01, with ~~75~~ 50 antlerless permits/licenses valid district-wide (contingent upon antlerless permits converted to antlerless licenses)

HD 240-00 – eliminate LPT (contingent upon antlerless permits converted to antlerless licenses)

HD 250 – eliminate antlerless harvest by archery, youth and PTHFV opportunities

HD 280 – eliminate antlerless harvest by PTHFV opportunity

HD 282 -- decrease antlerless permits/licenses from 75 to 50 (contingent upon antlerless permits converted to antlerless licenses)

HD 290 – create unlimited OTC archery only antlerless elk license 290-80 from 9/5-1/1

HD 298 – add HD to unlimited OTC archery only antlerless elk licenses 002-80

*Action: Ream moved and Vermillion seconded the motion to approve the Region 2 Final Elk regulations as recommended by the Department.*

Chairman Colton asked for public comment.

Rod Bullis, Helena, wants public lands excluded from HD298.

*Action on Motion: Motion carried.*

#### Elk – Region 4

No recommended changes to the proposed regulations.

*Action: Moody moved and Colton seconded the motion to approve the Region 4 Final Elk regulations for HD416, HD442, and HD448/420 as recommended by the Department. Motion carried.*

(Previous motion included HD425 and LPT004-80: Action: Moody moved to remove the five either sex permits in HD425, including the Sun River Game Range, and revert to the 2009 regulations. Included HD420 in 004-80. Motion carried.)

#### Elk – Region 5 and Region 7

No recommended changes to the proposed regulations.

*Action: Colton moved and Vermillion seconded the motion to approve the Regions 5 and 7 Final Elk regulations as recommended by the Department. Motion carried.*

#### Elk – Region 6

Two recommended changes to the proposed regulations. The region asks to keep antlerless permits available as a tool. Pat Gunderson, FWP Region 6 Supervisor, said numbers can be changed if warranted by surveys.

~~no proposed changes~~

HD 622-00 – decrease antlerless permits from 500 to 300; also valid in HD 620 (contingent upon antlerless permits being converted to antlerless licenses)

HD 622-80 – increase antlerless licenses from 300 to 500; also valid in HD 620 (contingent upon antlerless permits being converted to antlerless licenses)

*Action: Doll moved and Vermillion seconded the motion to approve the Region 6 Final Elk regulations as recommended by the Department.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

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*Action: Moody moved and Ream seconded the motion that the Commission reconsider action in which HD420 was excluded from the archery permit regulation proposal, and rather include HD420 back in the archery permit regulations.*

Moody explained that the earlier action did not consider all the effects that excluding it would do to hunters and hunting equity. It is advisable to include HD420.

Chairman Colton asked for public comment.

Steve Kamps, Montana Bowhunters Association, felt there was good reason to keep it excluded. They hope to be included in any further discussions on this.

*Action on Motion: Motion carried.*

### Elk – Region 3

Added 313-00, 313-11, 313-12, and 313-13 recognizing late entry.

*Action: Vermillion moved and Ream seconded the motion to adjust HDs 322, 323, 324, 325, 326, 327, and 330 to a standard package to create a two week brow tine bull/antlerless and 3-week brow tine bull only season. Late hunt in HD313 will be closed. Moved all the rest of the elk as recommended.*

Glenn Hockett, Gallatin Wildlife Association, wants them to remain antlered bull.

*Action on Motion: Motion carried.*

### Antelope – Statewide

No recommended changes to proposed regulations.

Move the opening day of the general firearm season for antelope to Saturday of Columbus Day weekend and adjust the antelope archery only season to end Friday the day before this opener. The proposed opening date for the general firearm season for antelope would thus overlap with the opening date for the pheasant season.

*Action: Doll moved and Moody seconded the motion to approve the Final Statewide Antelope regulations to move the opening day of the general firearm season for antelope to Saturday of Columbus Day weekend and adjust the antelope archery only season to end Friday the day before this opener. The proposed opening date for the general firearm season for antelope would thus overlap with the opening date for the pheasant season. Motion carried.*

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### Antelope – Statewide

Recommended changes to the proposed regulations are as follows.

Adjust the existing antelope license application process to include separate application opportunities (same deadline, same overall application form) for either sex and doe/fawn licenses. Both the antelope either sex application and the antelope doe/fawn application would each include 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> choices. This would allow any single applicant to potentially receive two antelope licenses from the drawing—one either sex and one doe/fawn. These could be in the same or in different hunting districts. This is consistent with current regulations that allow an individual hunter to hold up to three antelope licenses only one of which may be either sex.

~~Adjust the antelope 900 archery only license structure and application process to include a separate application process from the existing antelope application and drawing process. Specifically, adjust the antelope 900 archery only license to first and only choice with an application deadline of May 1 (same as Moose, Sheep, Goat and Bison). Application for this license would then preclude the applicant from applying for other antelope licenses to be allocated in the existing Antelope drawing with an application deadline of June 1. If successful in securing an antelope 900 license, the applicant may still purchase up to two antelope doe/fawn 900 30 licenses and could still purchase any surplus antelope licenses within the existing limitation of only three antelope licenses per hunter only one of which may be either sex. Maintain existing application process and deadline as in 2009.~~

*Action: Moody moved and Ream seconded the motion to approve the Final Statewide Antelope regulations as above. Motion carried.*

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### Antelope – Regions 2, 3, 4, 5, and 7

No recommended changes to the proposed regulations.

*Action: Moody moved and Ream seconded the motion to approve the Regions 2, 3, 4, 5, and 7 Final Antelope regulations as recommended by the Department. Motion carried.*

### Antelope – Region 6

One recommended change to the proposed regulations.

~~HD 600 – create 200 DF licenses 600 11 valid in portion of HD west of Highway 233–return to 2009 structure~~

*Action: Doll moved and it was seconded to approve the Region 6 Final Antelope regulations as recommended by the Department. Motion carried.*

## **9. 2010/2011 Moose/Sheep/Goat Hunting Seasons and HD Boundaries – Final.**

### Moose – Regions 1, 4, 5, and 6

No recommended changes to the proposed regulations.

*Action: Ream moved and Moody seconded the motion to approve the Regions 1, 4, 5, and 6 Final Moose regulations as recommended by the Department. Motion carried.*

### Moose – Regions 2 and 3

Recommended conservative changes are as follows.

#### Region 2 - Moose

~~HDs 210/211/212/214/215 -- eliminate ES licenses and decrease AB as below~~

~~HD 211 – decrease AB licenses from 3 to 2~~

~~HD 214 – decrease AB licenses from 2 to 1~~

~~HD 215 -- decrease AB licenses from 3 to 2~~

~~HDs 240/250/270 – convert all ES licenses to AB and decrease as below~~

~~HD 240 – decrease AB licenses from 5 to 3~~

~~HD 250 – decrease AB licenses from 5 to 3~~

~~HD 270 – decrease AB licenses from 7 to 3~~

~~HD 291 -- convert ES licenses to AB and decrease from 3 to 2~~

#### Region 3 - Moose

~~HD 303 – expand HD in northwest corner of Crazy Mountains; convert ES licenses to AB; increase AB quota from 4 to 6~~

~~HD 306 – close HD 306~~

HD 307 – close HD 307

HD 310 – close HD 310

HD 316 – close HD 316

HD 317 – close HD 317

HD 318 – close HD 318

HDs 321/323/326/327 – close HD 321; eliminate ES licenses 323-00; eliminate ES licenses 326-00; eliminate ES licenses 327-00

HD 328 – close HD 328

HD 334 – convert ES licenses 334-00 to AB

*Action: Moody moved and Ream seconded the motion to approve the Region 2 and 3 Final Moose regulations as recommended by the Department.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

#### Sheep – Regions 1,3,4,5 and 6

No recommended changes to the proposed regulations.

*Action: Ream moved and Doll seconded the motion to approve the Regions 1, 2, 4, 5 and 6 Final Sheep regulations as recommended by the Department. Motion carried*

#### Sheep – Region 2

Recommended changes to the proposed regulations are as follows.

~~no proposed changes~~

HD 210 – close HD 210

HD 270 – close HD 270

HD 283 – close HD 283

*Action: Ream moved and Moody seconded the motion to approve the Region 2 Final Sheep regulations as recommended by the Department.*

Chairman Colton asked for public comment.

Jim Weatherly, Montana Wild Sheep Foundation, proposed that rather than close the districts, keep them open with a quota of one.

Mary Ellen Schnurr, MOGA, said to keep the districts open as there are enough sheep to keep them open.

*Action: Ream amended the motion to add 1 permit to HD270. Colton seconded the motion. Motion carried.*

#### Mountain Goat – Regions 1,4 and 5

No recommended changes to the proposed regulations.

*Action: It was moved and seconded to approve the Regions 1, 4, and 5 Final Goat regulations as recommended by the Department. Motion carried.*

#### Mountain Goat – Region 2

HD 223 – ~~move opening date to standard 9/15~~ close HD 223

HD 280 – close HD

*Action: Ream moved and Moody seconded the motion to approve the Region 2 Final Goat regulations as recommended by the Department.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried*

**Mountain Goats – Region 3**

HDs 312/313/314/**316/320/323/324/325/326/327/328/329/330/331/362/393** – standard opener of **9/15 9/1 for all of Region 3**

*Action: Vermillion moved and Colton seconded the motion to approve the Region 3 Final Goat regulations as recommended by the Department.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

**10. 2010/2011 Black Bear Hunting Seasons and HD Boundaries – Final.**

**Statewide**

Initiate archery only season for black bear to start with the general archery opener on the first Saturday in September. The black bear archery only season would be open in any open management unit and would end not later (if quotas apply) than the day before the Fall black bear firearm season starts (proposed to be September 15). Any bear legally taken will apply towards any established quotas and subquotas and any harvest will be curtailed by quota/subquota closures. **In areas with quotas, black bear harvest during archery only season will not exceed 20% of total quota.**

*Action: Ream moved and Moody seconded the motion to approve the 2010/2011 Black Bear regulations as recommended by the Department. Motion carried.*

**Statewide**

Recommendation to regulations: Start Fall firearm season for black bear commonly on September 15 in all areas.

*Action: Vermillion moved and it was seconded to start the fall firearm season for black bear commonly on September 15 in all areas. Motion carried.*

**Black Bear – Regions 1 through 7**

No recommended changes to the proposed regulations.

*Action: Vermillion moved and it was seconded to approve the Regions 1 through 7 Final Black Bear regulations as recommended by the Department. Motion carried.*

**11. 2010/2011 Biennial Quota Ranges – Final.**

*Action: Vermillion moved and Colton seconded the motion to approve the 2010/2011 Biennial Quota Ranges as recommended by the Department. Motion carried.*

**12. 2010/2011 Bison Hunting Seasons and HD Boundaries – Final.**

No changes to the proposed regulations.

*Action: Vermillion moved and Colton seconded the motion to approve the Final 2010/2011 Bison Seasons and Boundaries. Motion carried.*

**13. 2010/2011 Mountain Lion Hunting Seasons and HD Boundaries – Final.**

No changes to the proposed statewide recommendations.

*Action: Ream moved and Vermillion seconded the motion to approve the Final Statewide 2010/2011 Lion Hunting Seasons and HD Boundaries. Motion carried.*

**Mountain Lions – Regions 1, 2, 4, 5, 6, and 7**

No changes to the proposed regulations

*Action: Ream moved and Vermillion seconded the motion to approve the Final Regions 1, 2, 4, 5, 6, and 7 2010/2011 Lion Hunting Seasons and HD Boundaries. Motion carried.*



Mountain Lions – Region 3

Recommended change to the proposed regulations as follows:

Lion HD Group 390/391/392 – Split into two groups; HDs 390/391 harvest quota of 4 any legal lion with female subquota of 2; HD 392 harvest quota of 5 any legal lion with female subquota of 2.

*Action: Vermillion moved and Moody seconded the motion to approve the Final Region 3 2010/2011 Lion Hunting Seasons and HD Boundaries.*

Chairman Colton asked for public comment.

Mary Ellen Schnurr, MOGA, said she lives in HD391. In past four years there have only been five lions killed, and there are plenty of lions there. This proposal will distribute harvest – she is in support.

Tim Ravandal, Townsend, said changing the boundary lines does not change the demographics of access or the ability to hunt lions, or where they winter. He fears changing boundaries may have consequences that will not answer problems without a quota increase. He urged going forward, but with caution.

Roland Deane, Montana Houndsmen's Association, said he supports the proposal.

*Action on Motion: Motion carried.*

**14. 2010/2011 Upland Game Bird Regulations and Turkey Quotas – Final.** FWP received many comments on the toxic shot issue. The proposed adjustment for non-toxic shot is specific only to Canyon Ferry and Freezout. Ninepipe and Pablo WMA already require non-toxic shot for upland game birds and that will not change.

*Action: Colton moved and it was seconded to reject the non-toxic shot proposal in its entirety across the state.*

Ream stated that it has been a longstanding discussion regarding Freezout as it is similar to Ninepipe and Pablo. He recommended leaving Freezout in the motion as there is a great deal of shot accumulation there.

Moody concurred with Ream. Freezout has lead shot poisoning the same as Ninepipe and Pablo. He recommended amending the motion to include Freezout to make that area a non-toxic shot area.

Vermillion said he questions if there is data to support the negative impact on waterfowl on Freezout due to lead shot.

Kujala said there is no specific data as to the number of pellets actually hitting the ground on Freezout, but the Department identified Freezout because it fits the model and proximity, and an abundance of shot would be there.

Colton said there is no justification, therefore he does not want to amend his motion. There are many issues to be discussed and considered. This topic has overshadowed other important issues.

Chairman Colton asked for public comment.

Doug Getz, Prickly Pear Sportsmen's Association, is opposed to any ban of lead in the state until it can be justified.

Tim Ravindal, said he is in favor of pulling this from the proposal as it is unjustifiable. He cannot support the ban on non-toxic shot.

Vermillion said care must be taken when proposing overarching changes without strong scientific and biological data behind the decision. This should be put to rest for a couple of years to see where the science goes. He does

not support requiring non-toxic shot. He said it is important for the public to understand that the notion that the Commission is anti-hunting is preposterous. This is an issue of biological concern, and is not an issue of giving in to the pressure of anti-hunting groups. He will vote to keep lead shot on WMAs.

Moody said allowing only non-toxic shot on Freezout is the right thing to do for the resource. He cannot support the motion.

*Action on Motion: Motion carried. Three in favor – two opposed (Moody and Ream).*

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#### Upland Game Birds - Turkeys - Region 1 and Region 2

Proposed changes: **(Proposed adjustments to December Commission adoptions are crossed out or added in shaded portions).**

LPT 182-20 – convert 400 limited spring tom turkey permits to **general Spring hunting area for male turkey** ~~unlimited OTC Spring licenses~~

LPT 183-20 – convert 300 limited spring tom turkey permits to **general Spring hunting area for male turkey** ~~unlimited OTC Spring licenses~~

LPT 183-21 – increase Spring tom turkey permits from 10 to 30

**General License Area – expand Spring and Fall general license area to all portions of Lake**

**County between watershed divides of Mission and Swan mountain ranges**

**HD 282-20 – increase Spring male turkey permits from 25 to 50**

Bitterroot Watershed – establish new district with all of Ravalli County and portions of Missoula County; Spring season will be general license tom, Fall season will be general license ES

Mineral County – revoke turkey season closure in portion of Mineral County

Portion of Missoula County – adjust district boundary in accordance with new Bitterroot Watershed district

*Action: Doll moved and Vermillion seconded the motion to approve the Final Region 1 and Region 2 Upland Game Bird - Turkey regulations as recommended.*

Chairman Colton asked for public comment. There was none.

*Action on Motion: Motion carried.*

#### Upland Game Birds – Turkeys – Regions 3 through 7

No changes to the proposed regulations

*Action: Doll moved and it was seconded to approve the Region 3 through 7 Final Upland Game Birds/ Turkeys regulations as recommended. Motion carried.*

#### **15. 2010/2011 Hunting Season Dates – Final.**

No changes to the recommended 2010/2011 Season Dates.

*Action: Colton moved and Vermillion seconded the motion to approve the Final 2010/2011 Hunting Season dates as recommended, acknowledging the changes that have already been made. Motion carried.*

#### **16. 2010/2011 Game Damage/Management Season Quota Authorizations – Final.**

No changes to the recommended 2010/2011 Game Damage/Management Season Quota Authorizations.

*Action: Vermillion moved and Moody seconded the motion to approve the Final 2010/2011 Game Damage/Management Season Quota Authorizations as recommended. Motion carried.*

#### **17. Open Microphone – Public Opportunity to Address Additional FWP Issues.**

Glenn Hockett, Gallatin Wildlife Association, said they appealed the decision that the bison go to Turner Enterprises. There are legal and moral repercussions that go with that decision. The Department failed to conduct a formal environmental analysis or to consider alternatives. They believe the Department circumvented the Commission's oversight and authority, and they feel FWP failed to ensure that the bison will be managed as wildlife rather than as livestock. There was overwhelming support - 96% - for bison being managed as wildlife,

including comments from all fifty states and from other countries. They want the Commission to overturn the decision, and they want FWP to conduct another RFP process and Environmental Impact Statement. He asked if the FWP Director or Montana's Governor can just give away elk too.

Nancy Schultz, Bozeman, said the Commission needs to address the bison issue. They have been quarantined and tested numerous times, so what prevents these animals from being placed on tribal and public lands. The statement was made that the bison would have a place to go after quarantine process. The management plan needs to be addressed. She agrees with Hockett, and hopes the Commission takes that position.

Jim Wisman, Gallatin Wildlife Association, agrees with Hockett and Schultz. We should not let the bison fail, but we have failed, and continue to fail with them. He asked that the Commission revisit this decision that gives away public wildlife. Please reconsider and start over as this is wrong. He asked how the Commission got circumvented.

Joe Gutkoski, Yellowstone Buffalo Foundation, said the eyes of the nation are on us, as they were in 1988 and 1989. They want FWP to step up to manage the bison as wildlife and not as livestock. We have an opportunity for 88 buffalo from the quarantine facility. It is not too late to turn down the direct by the Governor.

Mike Mease, Buffalo Field Campaign, said these people who just spoke are for hunting opportunities. The bison are considered a burden rather than an asset. We need to find a way to make this animal an asset. The quarantined bison have been in quarantine for four years, and nothing has been looked into for them. No safe place has been designated, so they are sent to Ted Turner. He asked what will happen to the next group of quarantined bison. This has been a quick fix with no plan for the future. Why not rent Turner's land from him rather than give him our wildlife. This is like a game farm. He asked that the bison be cared about above just the disease problem. Come up with a viable solution.

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*Action: Vermillion moved and Colton seconded the motion to adjourn the meeting. Motion carried.*

Meeting adjourned at 3:15 p.m.

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Shane Colton, Chairman

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Joe Maurier, Director